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WASHINGTON DC 20007

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JUN 10 2008

OFFICE OF PETITIONS

In re Patent No. 7,285,097 : DECISION ON REQUEST FOR
Issued: October 23, 2007 : RECONSIDERATION OF PATENT
Application No. 10/798,784 : TERM ADJUSTMENT AND
Filed: March 12, 2004 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 030481-0216 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed November 13, 2007. Patentee requests that the patent term adjustment for the above-identified patent be set at 193 days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of 193 days.

On October 23, 2007, Application No. 10/798,784 matured into Patent No. 7,285,097. The instant request for reconsideration filed November 13, 2007, was timely filed within two (2) months of the date the patent issued. See 37 CFR 1.705(d). Patentee disputes the reduction of 120 days associated with the filing of a "miscellaneous incoming letter" received in the Office on May 30, 2007. Patentee asserts that the paper filed on May 30, 2007, was a Letter of Candor and Good Faith, and therefore, no reduction is warranted under 37 CFR 1.704(c)(10).

A review of the PALM calculations for this application reveals that the patent term adjustment was reduced by 120 days for the submission of the "miscellaneous incoming letter." See 37 CFR

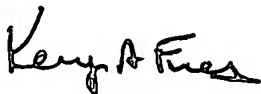
1.704(c)(10). However, a review of the application record confirms that no paper aside from the Letter of Candor and Good Faith was filed after the mailing of the notice of allowance. A Letter of Candor and Good faith is not a paper for which its filing is considered a "failure to engage in reasonable efforts" within the meaning of 37 CFR 1.704(c)(10). Thus, it is concluded that the reduction of 120 days is not warranted.

In view thereof, the patent term adjustment indicated in the patent should be 193 days.

The \$200.00 fee set forth in 37 CFR 1.18(e) is unnecessary and will be refunded to the Deposit Account.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by 193 days.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

PALM INTRANET

Day : Monday
Date: 6/9/2008
Time: 14:29:53

| PTA Calculations for Application: 10/798784 | | | | | |
|---|------------|---|-------------------------|------|-------|
| Application Filing Date: | | 03/12/2004 | PTO Delay (PTO): | | 218 |
| Issue Date of Patent: | | 10/23/2007 | Three Years: | | 0 |
| Pre-Issue Petitions: | | 0 | Applicant Delay (APPL): | | 120 |
| Post-Issue Petitions: | | 0 | Total PTA (days): | | 193 |
| PTO Delay Adjustment: | | 95 | | | |
| File Contents History | | | | | |
| Number | Date | Contents Description | PTO | APPL | START |
| 63 | 06/09/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | 120 | | |
| 59 | 10/23/2007 | PATENT ISSUE DATE USED IN PTA CALCULATION | 36 | | 51 |
| 58 | 09/20/2007 | EXPORT TO FINAL DATA CAPTURE | | | |
| 57 | 09/19/2007 | DISPATCH TO FDC | | | |
| 56 | 09/17/2007 | MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE | | | |
| 56 | 09/17/2007 | MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE | | | |
| 55 | 09/10/2007 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 25 | |
| 55 | 09/10/2007 | ADJUSTMENT OF PTA CALCULATION BY PTO | | | |
| 54 | 05/30/2007 | PETITION ENTERED | | | |
| 53 | 05/30/2007 | MISCELLANEOUS INCOMING LETTER | | 120 | |
| 52 | 05/22/2007 | APPLICATION IS CONSIDERED READY FOR ISSUE | | | |
| 51 | 05/17/2007 | ISSUE FEE PAYMENT VERIFIED | | | |
| 50 | 05/17/2007 | ISSUE FEE PAYMENT RECEIVED | | | |
| 49 | 04/28/2007 | FINISHED INITIAL DATA CAPTURE | | | |
| 48 | 03/30/2007 | EXPORT TO INITIAL DATA CAPTURE | | | |
| 47 | 03/27/2007 | MAIL NOTICE OF ALLOWANCE | | | |
| 46 | 03/26/2007 | ISSUE REVISION COMPLETED | | | |
| 45 | 03/26/2007 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 44 | 03/19/2007 | NOTICE OF ALLOWABILITY | | | |
| 43 | 01/04/2007 | DATE FORWARDED TO EXAMINER | | | |
| 42 | 12/14/2006 | RESPONSE AFTER NON-FINAL ACTION | | | |
| | | | | | |

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|----|------------|---|-----|--|----|
| 41 | 10/05/2006 | MAIL NON-FINAL REJECTION | | | |
| 40 | 09/27/2006 | NON-FINAL REJECTION | | | |
| 39 | 09/16/2006 | DATE FORWARDED TO EXAMINER | | | |
| 38 | 09/12/2006 | RCE- AF PROCESSED | | | |
| 37 | 09/16/2006 | DATE FORWARDED TO EXAMINER | | | |
| 36 | 09/12/2006 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | | |
| 35 | 09/16/2006 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 34 | 09/12/2006 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 33 | 09/12/2006 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 32 | 08/22/2006 | MAIL NON-FINAL REJECTION | | | |
| 31 | 08/21/2006 | NON-FINAL REJECTION | | | |
| 30 | 08/10/2006 | DATE FORWARDED TO EXAMINER | | | |
| 29 | 08/03/2006 | AMENDMENT AFTER FINAL REJECTION | | | |
| 28 | 05/18/2006 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 27 | 05/15/2006 | FINAL REJECTION | | | |
| 26 | 05/02/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 25 | 03/14/2006 | PARALEGAL TD ACCEPTED | | | |
| 24 | 10/25/2005 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 23 | 07/27/2004 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 22 | 03/10/2006 | DATE FORWARDED TO EXAMINER | | | |
| 21 | 02/10/2006 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 20 | 02/10/2006 | TERMINAL DISCLAIMER FILED | | | |
| 19 | 10/25/2005 | REFERENCE CAPTURE ON IDS | | | |
| 18 | 10/25/2005 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 17 | 11/10/2005 | MAIL NON-FINAL REJECTION | 182 | | -1 |
| 16 | 11/08/2005 | NON-FINAL REJECTION | | | |
| 15 | 11/02/2004 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 14 | 07/27/2004 | REFERENCE CAPTURE ON IDS | | | |
| 13 | 07/27/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 12 | 11/02/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 11 | 08/23/2004 | APPLICATION RETURN FROM OIPE | | | |
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|----|------------|--|--|--|--|
| 10 | 08/23/2004 | APPLICATION RETURN TO OIPE | | | |
| 9 | 08/23/2004 | APPLICATION DISPATCHED FROM OIPE | | | |
| 8 | 08/23/2004 | APPLICATION IS NOW COMPLETE | | | |
| 7 | 07/27/2004 | PAYMENT OF ADDITIONAL FILING FEE/PREEXAM | | | |
| 6 | 07/27/2004 | A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC | | | |
| 4 | 04/12/2004 | CLEARED BY OIPE CSR | | | |
| 3 | 04/12/2004 | CASE CLASSIFIED BY OIPE | | | |
| 2 | 03/30/2004 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 03/12/2004 | INITIAL EXAM TEAM NN | | | |

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,285,097 B2

DATED : Oct. 23, 2007

INVENTOR(S) : Tenerz et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 73 days

Delete the phrase "by 73 days" and insert – by 193 days--